

By: Williams

S.B. No. 732

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the administration of polygraph examinations to certain
3 applicants for positions in the Department of Public Safety.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 411.007(c), Government Code, is amended
6 to read as follows:

7 (c) An applicant for a position in the department must be a
8 United States citizen. An applicant may not be questioned
9 regarding the applicant's political affiliation or religious faith
10 or beliefs. The department may not prohibit an officer or employee
11 of the department, while off duty and out of uniform, from placing a
12 bumper sticker endorsing political activities or a candidate for
13 political office on a personal vehicle, placing a campaign sign in
14 the person's private yard, making a political contribution, or
15 wearing a badge endorsing political activities or a candidate. An
16 officer commissioned by the department may not be suspended,
17 terminated, or subjected to any form of discrimination by the
18 department because of the refusal of the officer to take a polygraph
19 examination. Section 411.0074 does not authorize the department to
20 require an officer commissioned by the department to take a
21 polygraph examination.

22 SECTION 2. Subchapter A, Chapter 411, Government Code, is
23 amended by adding Section 411.0074 to read as follows:

24 Sec. 411.0074. POLYGRAPH EXAMINATIONS FOR CERTAIN

1 APPLICANTS. (a) This section does not apply to:

2 (1) an applicant who is currently a peace officer of
3 the department commissioned by the department; or

4 (2) an applicant for a police communications operator
5 position who is currently employed by the department in another
6 police communications operator position.

7 (b) The department shall require each applicant for a peace
8 officer or police communications operator position in the
9 department to submit to the administration of a polygraph
10 examination.

11 (c) The polygraph examination required by this section may
12 only be administered by a polygraph examiner licensed under Chapter
13 1703, Occupations Code, who:

14 (1) is a peace officer commissioned by the department;
15 or

16 (2) has a minimum of two years of experience
17 conducting preemployment polygraph examinations for a law
18 enforcement agency.

19 (d) The department and the polygraph examiner shall
20 maintain the confidentiality of the results of a polygraph
21 examination administered under this section, except that:

22 (1) the department and the polygraph examiner may
23 disclose the results in accordance with Section 1703.306,
24 Occupations Code; and

25 (2) notwithstanding Section 1703.306, Occupations
26 Code, the department may disclose any admission of criminal conduct
27 made during the course of an examination to another appropriate

1 governmental entity.

2 (e) The department shall adopt reasonable rules for the
3 administration of a polygraph examination under this section in
4 accordance with the guidelines published by the American Polygraph
5 Association or the American Association of Police Polygraphists.

6 (f) The department shall use the results of a polygraph
7 examination under this section as a factor in determining whether
8 to commission a peace officer or employ an applicant for the
9 position of police communications operator.

10 SECTION 3. Section 411.0074, Government Code, as added by
11 this Act, applies only to an applicant who submits an application
12 for a position in the Department of Public Safety of the State of
13 Texas on or after the effective date of this Act.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2005.